

### **REMARKS**

This responds to the Office Action mailed on March 26, 2007.

Claims 1, 9, 12, 14, 16, 25, 26 and 28 are amended, no claims are canceled, and no claims are added; as a result, claims 1-10, 12-22 and 25-28 remain pending in this application.

#### **§112 Rejection of the Claims**

Claims 16-22 and 25-28 were rejected under 35 U.S.C. § second paragraph, for indefiniteness.

In claims 16 and 26, the access restriction system is described at p. 10, lines 13-20, at p. 11, lines 5-9, at p. 12, lines 10-22 and shown as access restriction system 120 in Fig. 7. One example embodiment is shown in Fig. 5 and another in Fig. 6, where access server 88 of Figs. 5 and 7 is shown as gate server 88 and where access controller 90 is shown as gate controller 90.

Applicant is uncertain how to respond to the question regarding claims 25 and 26. Means-plus-function limitations in a claim must be interpreted to read on only the structures or materials disclosed in the specification and "equivalents thereof" that correspond to the recited function. M.P.E.P Section 2106.II.C (citing *In re Donaldson*, 16 F.3d 1189, 1193, 29 USPQ2d 1845, 1848 (Fed. Cir. 1994) (*en banc*); *In re Alappat*, 33 F.3d 1526, 1540, 31 USPQ2d 1545, 1554 (Fed. Cir. 1994) (*en banc*)). Applicant respectfully submits that whether the functions claimed are performed on one or more servers, the implementations would be equivalent.

#### **§103 Rejection of the Claims**

Claims 1-10, 12-22 and 25-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Keillor et al. (U.S. Patent No. 5,917,433) in view of Klanke (U.S. Patent No. 6,313,791) and Paradox for Window's User's Guide.

Claims 1, 12, 16, 25 and 26 have been amended to make it clear that the terminals being claimed are railway terminals configured to receive trains having a plurality of rail cars and to receive trailers to be loaded and transported on the rail cars and not computer or telephone terminals and that each railway terminal includes a railway terminal management system communicatively connected to the computer system. There is no railway terminal management

system in Keillor. There appears to be a centralized asset monitoring system, but that is not what is described by Applicant and claimed in claims 1-10, 12-22 and 25-28. What Applicant describes and claims is a distributed trailer transport system and method which uses a railway terminal management system located at each railway terminal to track the arrival and departure of trailers from that terminal. That is what is being claimed in claims 1-10, 12-22 and 25-28.

The Examiner states that each trailer in Keillor is a terminal. In effect, the Examiner has read the terminal limitation out of the claim. In addition, the Examiner finds that Klanke discloses a plurality of stops and that each stop is equivalent to a terminal. This is logically inconsistent with his finding that each trailer is its own terminal and undercuts his assertion of the motivation to combine the references. Reconsideration is respectfully requested.

Claims 2-10, 13-15, 17-22, 27 and 28 are allowable as dependent from an allowable base claim for the reasons provided above. Reconsideration is respectfully requested.

In addition, in rejecting claim 3, the Examiner states that Keillor discloses “wherein the computer system includes a reservation system for reserving a slot on a train, wherein the reservation system operates in conjunction with the trailer tracking program to ensure that a trailer to be transported is placed on its assigned train” as described by Applicant and claimed in claim 3. Applicant is unable to find disclosure of the use of a reservation system for reserving slots on a train in the section suggested by the Examiner.

In addition, in rejecting claims 9, 10, 14, 15 and 28, the Examiner looked to the restrictions on wireless networks for his access restriction system. Applicant has amended the claims to clarify that the access restriction system claimed by Applicant restricts access to physical locations within the railway terminal.

Claim 2 is alternatively rejected under 35 U.S.C. § 103(a) as being unpatentable over Keillor et al. (U.S. Patent No. 5,917,433) in view of Klanke (U.S. Patent No. 6,313,791) and further in view of Nijenhuis (PCT/NL98/00128). Applicant respectfully submits that claim 2 is allowable as dependent from an allowable base claim. Reconsideration is respectfully requested.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,  
DOUGLAS J. MILLER ET AL.  
By their Representatives,  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6909

Date January 24, 2008

By Thomas F. Brennan  
Thomas F. Brennan  
Reg. No. 35,075

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of January 2008.

DAWN M. POOLE

Dawn M. Poole

Name

Signature